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A Defence
OF THE
CHARTER,
AND
MUNICIPAL RIGHTS
OF THE
City of London.
AND THE
RIGHTS of other Municipal Cities and Towns of *ENGLAND.*

Directed to the
Citizens of *LONDON.*

By *THOMAS HUNT.*

Si populus vult decipi decipiatur.

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THE greateſt EMPIRES and Monarchs in the World, as well as Republicks have erected, and by their Authorities ſupported municipal Cities, That is to ſay, they have either allowed, or given Authority by their Charters and Imperial Reſcripts to great Towns, to chooſe their own Officers and Magiſtrates, and to govern themſelves by their own Laws, ſo that their Laws were not contrary to the publick Laws of the Soveraign Authority.

They well knew by this means, that great Collective Bodies of their People would be governed more equally and virtuouſly, which would redound to the honour of the Monarch; for in that all powers have been continued by him with firm approbation and good liking or derived from him: The wiſe and juſt adminiſtration

of ſuch powers and authorities, by this means better ſecured and provided for, would commend his Government and give him the hearts of his People, and likewiſe make him a Prince of better and more virtuous Subjects.

For it is hardly poſſible, that Mankind ſhould miſcarry in their own hands. It is impoſſible, that there ſhould be ſuch a defection in the communities of men, from Wiſdom and Virtue, that they ſhould not acknowledge, honour and prefer them in whomſoever they are found and obſerved, and chooſe ſuch men into Office that are moſt conſpicuous amongſt them by ſuch endowments, or at leaſt ſuch as have not diſgraced themſelves by their vices and folly.

If by a leſs heedful choice now and then by inadvertency or ſurpriſe a leſs worthy man is choſen into Office. They ſoon eſpy their miſtake, and the miſchiefs they ſuffer under ſuch a Magiſtrate makes them more curious in their after-choice, and gives the ſucceeding Officer an advantage of making himſelf more honourable by correcting the evils the negligence of a bad Magiſtrate had occaſioned.

They found by experience, that Governours appointed by the Court were ordinarily Oppreſſers, ſought not the Peoples good but their own gain and advantage: for that they had no dependance upon the people, but on the favour of the Court where no complaint could be heard againſt them. They received no truſt from the People, nor were promoted by their eſteem,

eſteem, they conſequently were apt to behave themſelves as if they owed them no duty, and little valued their opinion.

What can be expected in ſuch Governours, but inſolency and oppreſſion, and an addictedneſs to ſerve their Court-Patron beyond what they owe to their Princes pleaſure.

Law is neglected which is the publick will and pleaſure of the Prince, and they govern themſelves by the Secret whiſpers of the Courtier that prefers them.

Princes that were moſt abſolute did take themſelves bound to govern by ſuch meaſures, that were moſt expedient to procure the publique weal.

They therefore governed by Laws, and for the Honor of their high Authority they would not tranſgreſs them, they governed by Laws that were well adviſed Councels, from which they would not depart, and not by Extemporary reſolves. They knew that nothing did more conduce to the happineſs of the people, than to have the apteſt men appointed to all Offices; they did not truſt themſelves, nor their Courtiers nominations or recommendations to make Magiſtrates in great Cities, but committed the choice of them to the people, and alſo gave Towns and Cities power and authority to make orders, and rules for the better governing of themſelves agreeable to the publick Laws.

Theſe powers conſtitute municipal Cities which have been always favoured by the beſt of Princes.

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The ſuppreſſing of Corporations and Communities hath diſgraced the Memory of bad Princes; ſo bad, that to name them would be a reproach to the beſt of Kings; it hath been practiſed by Uſurpers and Conquerors, the better to ſubdue Countries to their pleaſure. The Colledges & Societies of *Rome* were a ſecond time put down by *Julius Cæſar*, when he got to be perpetual Dictator, and was about to raviſh the *Roman* liberty, but were by *Auguſtus* when he had aſſured the Government to himſelf by expreſs Edict reſtored.

The *Roman* ſuppreſſed the free Cities in *Macedonia* when they firſt Conquered it, & *Mummius* their Conſul in *Greece*, when Conquered *concilia omnia Achaiæ Nationum & Phocenſium & Bœtorum aut in alia parte Greciæ delevit*, as *Livy* tells us: But after they had ſubmitted to the *Romans*, *Antiquæ cuique Genti concilia reſtituta ſunt*; their Cities were reſtored to their Governments, *Strabo*.

But after this we are very unfortunate, that whilſt we enjoy a Prince that hath aſſured us he will govern by Law, that no right or liberties ſhall be invaded: a Prince that wants no Power, that is not by unqueſtionable right and Law eſtabliſhed upon him, any pretence ſhould be found, from our unhappy diviſions to make it ſeem convenient for maintaining the publick peace, that all Officers and Magiſtrates in Corporations muſt be made at the Courtiers nomination, and that too precariouſly, and the Succeſſion ſuch only as ſhall be by them approved. But whatever ſpecious ſhew of convenience they

may

may have in our preſent Diviſions (which have ariſen, and have been blown up ſince the Diſcovery of the *Popiſh* Plot by the Conſpirators themſelves) yet when we conſider, that by this new Form of Corporations, it will be in the Power of a *Popiſh* Succeſſor, to put the Government of all corporated Towns in *England* into the hands of *Papiſts*. This project appears to have ſuch a direct tendency, and is ſo certain, and infallible a courſe to extirpate the reformed Religion eſtabliſhed by Law: That upon a due conſideration had of this unavoidable conſequence of theſe Councels, His Majeſty will retract them we doubt not, who hath ſolemnly declared he will ſupport the *Proteſtant* Religion eſtabliſhed by Law; And puniſh thoſe officious perſons, who have to the Scandal of His Majeſties Government, by force or fraud ſurrender'd their old Charters to the purpoſe, to ſubmit to ſuch like unheard of modes of incorporation, that are not onely inconſiſtent with the Ends of a Corporation at preſent, but threaten us with an immediate overthrow of the *Proteſtant* Religion in caſe of a *Popiſh* Succeſſor.

It would be a ſad Iſſue of the Diſcovery of the *Popiſh* Plot, if after the ſeveral endeavors and overt Agreements to conſent to Laws for diſabling him to change our Religion: There ſhould in ſo ſhort a time after that ſuch a Power be given from our ſelves, as will more effectually enable him to extirpate the reformed Religion, than any Law that could be made for preventing thereof, could poſſible thereto diſable him.

To

To what a madneſs and phrenſy hath our heats, and animoſities brought us. That one party of Proteſtants ſhould practiſe to get the Government over another part in ſuch ſort and manner as will infallibly bring up the *Papiſts* into all Governments in Cities and Corporation Towns, and in conſequence thereof give us at the next Turn, a Parliament of Papiſts, and Red-coats.

But this is not all, for I know there are many that have no concern for Gods Religion, that have no other Religion but Loyalty, and believe the onely Diety is Earthly power and Soveraign Authority: Yet ſuch have ſome conſcience, that the antient Government ought to continue, and that attempts to change it are criminal in the Adviſers.

I ſhall therefore add, that this new Mode of incorporating Cities and Towns, doth *ipſo facto*, change the Government: For that one of the three States, an eſſential part of the Government, which is made up of the Repreſentatives of the People, and ought to be choſen by the People, will by this means have five Sixths parts of ſuch Repreſentatives, upon the matter of the Courts nomination, and not of the Peoples choice. What will be the conſequence of ſuch a Parliament, I leave all conſidering men ſadly to weigh and ponder, and whether this is not a change of the Government, let the Adviſers thereof in time reſolve themſelves.

Amongſt *Plutarchs Apothegmas* I find this ſaying of *Dionyſius* the Tyrant τοὺς μὲν τῆς πόλεως βιάσασθαι νόμους δύνασθαι τοὺς δὲ τῆς φύσεως μὴ δύνασθαι.

That

That is, the Laws of a City may be wronged, but the Laws of nature cannot be violated; the nature of things will not change at pleaſure, the continuing of the old name doth not continue the old conſtitution after an eſſential change *Res nolunt decipi.* Nor will the Nation contentedly ſee the Government changed; we retain Loyalty enough to prevent it, and our loyalty is ſtrengthned with our concern for our Religion, and a National intereſt againſt Popery.

Our Enemies know, that they can never prevail and bring their deſign, of changing our Religion, to effect; Without firſt changing the Government, and the preſent conſtitution of Parliaments. To make the Nation therefore obedient to their deſign, we are to have a Parliament of their nomination by this new mode of incorporating Towns, Dr. *Bradys* Preſident, fol. 249. of writs directed to the Sheriffe, to Summon one Knight for a County, and one Citizen for a City, named in the writ in 27 *E.* 3. (which appears by the record it ſelf not to be a Summons to Parliament) is not of weight enough to make it downright lawful for the King to name, who ſhall be of the Houſe of Commons, *Obliquandi ſunt ſinus* by this ſide-wind they may gain the point. But to prepare the People for admitting this illuſion to paſs upon

 them,

them, our lateſt Parliaments are to be diſgrac't.

A Cabal takes upon themſelves to Cenſure and arraign their proceedings, and expoſe them to the Nation under what miſrepreſentations they pleaſe, becauſe they would not be confin'd to their Will and pleaſure, whereas every mans loyalty (certainly) is to be meaſured by his agreeableneſs to their projects.

They endeavour to make the Nation believe that a convention of the beſt bred Gentlemen in *England* of the greateſt fortunes, do not underſtand the intereſt of the King and Kingdom, nor are ſo faithful to it as a few men got together by chance, that are accumulating honors, and making their fortunes by notable projects upon the Government. Tho unhappy they are, that they have not yet made themſelves conſpicuous, either for their Wiſdom or Virtue.

But whatever, that great Aſſembly reſolves in any matters; That by the Laws and Cuſtoms of Parliament, fall under their deliberation (tho Kings have the liberty of diſſenting, as they have likewiſe a liberty of diſſenting from the Kings deſires, for no Law can be made without them; and they who have the Power to give moneys, can deny it when askt) it is a Crime to Cenſure and blame them. And a Crime

Crime of a high nature, it muſt needs be in any Subject of this Government, for that it tends to the deſtruction of the Government it ſelf.

But endeavours to lay them aſide, is Treaſon againſt the King, his Crown and Dignity, for that it will make him a very mean King, or turn him into a Wicked and Miſerable Tyrant. And therefore our beſt Kings have always had a high Regard to their Parliaments, and if it be a Crime to diſhonor the King, it is ſo likewiſe to diſgrace Parliaments. And he is a dolt or a Papiſt, and a Traytor to the Government; that doth not thus conclude and determine.

If it be a *Scandalum Magnatum* to reproach a mean Judge, for erring and miſtaking in his Office. It is inſufferable, that a vile Pamphleteer ſhould revile the States of the Realm for the exerciſe of their high and uncontroulable Authority; ſuch inſolencies againſt the Government, ought not to be reſpited untill doomſday, or the Sitting of a Parliament. But ought immediatly to be proſecuted by every man that loves his Country, and the publick peace, to condigne puniſhment.

But if theſe arts ſhould prevail to bring about a change in our Government (as they cannot ſure in the Reign of our preſent gracious King, who hath given us aſſurance in his publick declarati-

ons againſt ſuch fears) yet our Enemies know, that their numbers are not viſibly great : And they can have no hopes of ſubduing the Nation to their Religion by their own numbers, and by their own proper ſtrength.

They have therefore engaged a party of Proteſtants to their aſſiſtance, by raiſing in them apprehenſions of a party of Proteſtants, which they call diſſenters, as dangerous to the Government and the Church of *England*, againſt whom therefore they ought in every thing to be contrary.

Many Proteſtants they have thus abuſed, and divided from the true intreſt of the Church of *England*, and have engaged them in courſes, that tend to her deſtruction under the pretext of their being contrary to her Enemies the diſſenters.

They are taught to hate a Presbyterian as a Jeſuit, or to have as much kindneſs for a Jeſuit as a Presbyterian, which will better ſerve the purpoſe of an Obſervator.

This Frace-maker and *Scaramuchi* to the vain youth of the nation, is ever enterchanging the Characters of men, diſguiſing truth with colours of falſhood . pleaſantly deceiving you with the ſhiftings and turns of his inept Wit, and making himſelf merry with the abuſe, confounding things of the moſt ſeparate nature to embroyle

us, to do us into confuſion, and to make the Nations Tragedy.

If the Church of *England* had not been divided by theſe Arts, and mingled with her Enemies; the Church of *England* united would have been able to have defended her ſelf againſt all the Power of the *Popiſh* Faction, if it were much ſtronger than it is, and by an eaſy Temperament have in time cur'd the frowardneſs of the Diſſenters, and accommodated the Schiſm, that the *Papiſts*, the irreconcileable Enemyes of our Religion at firſt occaſion'd, and at preſent by theſe Methods manage and improve to its Deſtruction.

The Diviſion that our Enemys have made amongſt you, for this purpoſe, is that which oppoſeth your Charter, and the continuance of your municipal rights, and in this, you of that Diviſion, do miniſter to their Deſign.

As many as are for deſtroying the Charter, are for no Parliament, or for the new deſigned Conſtitution of Parliaments, have more hatred againſt the Diſſenters than Zeal againſt Popery. Their Loyalty is Slavery, their Religion the Princes pleaſure.

They are not for a legal Defence of their Religion, but abandon it, to neglect, mock us with Prayers and Tears, and expoſe us to Martyr-

dom,

dom, plead for a *Popiſh* Succeſſor, and are forward advocates againſt their Religion, Lives and Liberty, invite Tyranny, call for Perſecution, ſeem fond of Fire and Faggot. Some of little underſtanding among you that thus behave your ſelves, are excuſable as miſguided by ſom of your Miniſters, who are in good earneſt begging Preferments, Dignitys and Benefices for themſelves, by offering and betraying up our Church to a voluntary Martyrdom. But theſe good men and merciful do not intend to ſinge a Finger of their own; It is enough for them to commend Martyrdom. The Honor they do thereby to the Chriſtian Religion, doth deſerve they ſhould be exempted; It is too much in all reaſon both to do and ſuffer, and to exhibit both active and paſſive obedience.

It is wonderful that that cauſe, that could not yet draw one profeſſed *Popiſh* Prieſt to write for it; tho' ſo much it is for their intereſt to have it defended, becauſe it is not by any colour of reaſon to be defended, they can be any thing it ſeems, but Fools, for their Religion, and they will not ſo diſgrace it: It is a wonder that that cauſe hath found Writers and Preachers for it of our Proteſtant Divines. But the *Roman* Prieſts have our Church in Deriſion, certainly for the ſake of the diſhoneſty, weakneſs or folly of theſe men. The moſt fitting return to theſe men, is a ſcornful ſilence, or rather to note them with ignominy, for undertaking what the *Roman* Prieſts are aſham'd of. That, which

which is too hard for the Learning and Wit of the *Roman* Clergy, to manage with any Advantage to their Deſign, ſome of our Church-men have undertaken without any moderate Talent of either to their own ſhame, & diſhonor to our Church; nay ſhe is like to periſh diſhonorably by this means, and her deſtruction is to come from her ſelf. Beſides the diſhoneſty of ſuch an undertaking is notorious in our Miniſters. The Prieſts of the *Popiſh* Religion in *France*, did not write againſt the Excluſion of the King of *Navarre* from the Crown of *France*.

Id quamcunq; decet maxime quod maxime eſt ſuum.

Moſt certainly therefore it doth not become a Proteſtant Miniſter to tye his People to the Stake to kindle the *Papiſts* Fires, and to be their Hang-men and Executioners: To be Sollicitors for the Abolition of that Religion they profeſs, and are bound to teach and propagate.

But ſuch men as theſe have helpt to make the Diviſion of thoſe Men, that are againſt Charters, and Governments of municipal Cityes and Towns, (which are the greateſt defences againſt *Popery*) more numerous.

But to make the Number leſs, and to ſift you to the Bran, I pray reflect a little.

For you cannot be ignorant of their devices, for the ſubverting of our antient Government, that *Popery* may ſteal in upon us and ſurprize us, which

which hath been in this laſt Age by various Methods of wickedneſs compaſſed. But all their devices have been hitherto defeated and fruſtrated. The City hath recovered out of the aſhes, to which the *Popiſh* Fires reduced it: Armies have been disdanded, and their Plot againſt the Kings life detected, and brought into noon day-light, declared, proſecuted and puniſhed by that very Parliament, that the *Popiſh* Conſpirators attempted to corrupt to betray our Government: But that they could never obtain from that Parliament, though obliquely it gave them many Aſſiſtances. That Parliament was a Parliament of famous Loyalty. Yet they disbanded Armies, and never legitimated the Guards; detected the *Papiſts* firing the City, oppoſed an alliance with *France*, addreſſed for a War, impeached obnoxious Miniſters, *D L. E D. &c.* kept the purſe of the Nation, oppoſed general indulgence, and the deſtruction thereby intended by the Conſpirators, of the Church of *England*, the Bulwark of the Proteſtant Religion, and declared the *Popiſh* Plot. Againſt this Parliament they could never have objected the miſchiefs of that in forty one. If there was no other reaſon therefore for diſſolving that Parliament, our Conſpirators had, from this end only, ſufficient reaſon to get it diſſolved. Diſſolve them they might, diſgrace them with ſuch imputations they could not. But the ſubſequent Parliaments, though conſiſting principally of the ſame members, proſecuting the ſame

deſign,

deſign, acting by the ſame meaſures, and in the ſame methods for the preſervation of our Government and Religion. Though with ſome acceſſion of zeal, which the inveterate evil growing more bold, audacious and enterprizing did occaſion and require; are therefore charged with deſigns upon the Government, and of all the Evils that followed forty one, again to be Acted over upon this Nation. And by this trick, and the deceivableneſs of mankind they have brought it about, that the Conſpirators themſelves have gotten the reputation with ſome abuſed men of the truly Loyal, even for their having Parliaments in contempt: And thoſe that are truly ſo are charged for men factious and ſeditious, and of the forty one leaven, for that they eſteem Parliaments to be part of the Government. Parliaments themſelves made odious or at leaſt not deſirable, and the true Government at leaſt ſuſpended, and ready to be aboliſhed or made quite another thing, under the old name for the better ſubverting with ſome colour our antient Government and the Engliſh Liberty.

But whatever is pretended, the laſt Parliaments had no greater fault than this (*viz.*) That they did make ſome overtur's for reducing the Schiſmes, and making the terms of the Communion of our Church receptive of the diſſenters, (leaſt they ſhould joyn with the Papiſts againſt her for ſuch an indulgence, as would quite

deſtroy our Church, and is utterly inconſiſtent with any national Church whatſoever,) this would have rendred the Popiſh conſpiracy deſperate. Since that a greater hatred hath been rais'd againſt the diſſenters. And it is brought about that ſome Churchmen are grown angry therefore with Parliaments, and are become willing they ſhould be laid aſide, as not friendly to their order, and it is no wonder if they have ſeduc'd ſome of you of leſs conſideration to joyn with them in ſuch ſentiments.

Heavy things are laid to the charge of the Diſſenters at preſent, though it is not long ſince they embraced them, and ſince that time they are not a jot the worſe, ſave that they have ſhewed themſelves ſteadily averſe to Popery, and that they are not to be bribed off by any aſſurance of a common Indulgence. The Diſſenters are repreſented and expoſed as Enemies to the Church of *England*, for which the Conſpirators have undoubtedly an unfeigned kindneſs (if you will believe them) they get them perſecuted for her ſake meerly, and as her Enemies.

But the truth is, theſe men have truly an utter abhorrence againſt Popery and the Plot, and joyn forwardly and zealouſly againſt it.

This their commendable zeal againſt Popery the Conſpirators give out, and make it believed

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is their zeal for their own peculiarities, for their dividing way, and for thoſe things wherein they differ from us. They have affrighted the Church of *England*, with deſigns of thoſe men againſt her, even in theſe their actings and appearings againſt Popery and the Plot. What theſe men endeavour againſt Popery, ſome that are of the Church of *England* do oppoſe for no other reaſon, but for that they deſire it.

And they are contrary to thoſe of the Church of *England*, with whom theſe Diſſenters do concurr, in any thing though never ſo conducible to the preſervation of the Nation and our Religion; and the Conſpirators have now made and reckon'd, even ſuch alſo of the adverſe party Whigs and Fanaticks, and every thing they ſay or do is oppoſed, thwarted, contradicted and cenſured as diſloyal and fanatical.

It is now come to paſs, that no mans reaſon is regarded; the true ſtate of things, and our preſent condition, the arts of our Enemies and their deſigns are not conſidered: But whatever we ſay or do is fanaticiſme, ſavors of forty one. By this Artifice they tye together a ſort of men amongſt you that conſider little, and make of them an obſtinate party which they Act and manage, and engage in courſes, which tend to their own and the publick ruin, with an utter neglect of Rights, Laws, and antient conſtitutions; nay, they endeavour to ſubvert them all, that

they may more certainly and ſpeedily arrive at the miſchiefs deſigned by our Enemies. The greateſt fear of the loſs of your Charter and City is from your ſelves.

Your Charter Government and Priviledges have no Enemies that can hurt them, but your ſelves, againſt you it is only that your Charter comes to be defended. So tranſported are ſome of you grown with the humor of oppoſition and contradiction, ſince the diſcovery of the *Popiſh* Plot, againſt ſome that are called Diſſenters: Which is brought about by the ammuſing arts, and impoſtures of the Conſpirators: That you are become eager for the deſtroying of your Charter, becauſe theſe Diſſenters have concurred with the majority in defending it. Your Charter had never been attach'd if ſome of you had not been perſwaded to be willing to forego it, and at the ſame time ſeem to be weary of the ancient Government, and careleſs of your Religion, and willing to part with them too, by the Embraceries of ſuch Perſons that fear a Parliament more than Doomſday. By the influences of theſe Men who are for making a New Government, becauſe they cannot Live under the Old, you are made content to forego your Charter, and the Antient Government, the ſafeguard of our Religion and the Engliſh Liberty, for ſuch new Eſtabliſhments as theſe confiding Men will form

and

and contrive for you: who will uſe you moſt certainly as your eaſineſs doth deſerve.

No Quo Warranto had ever been brought againſt your City to deſtroy your Corporation and Government, for petitioning His Majeſty for a parliament in a time of a *Popiſh* Plot at home detected, but not duly puniſhed nor prevented, when we are under the Fears of a *Popiſh* Succeſſor, againſt which Parliaments have heretofore conſulted how to ſecure our Religion, and of the growing power of *France* which every Man living apprehends; had not ſome for no other reaſon, but that they will be againſt Diſſenters diſliked petitioning. Your diſlike of petitioning is the only reaſon in the World for the unlawfulneſs of it. Without that it had been impoſſible to have had a Lawyers opinion, that a Petition to the King was unlawful; made in form as the Law directs or allows, for a thing lawful and neceſſary (*viz.*) that we might have our Government in uſe, when we had the greateſt need of it, and that a Parliament might ſit when we were under Evills ſcarce ſufferable, that no Power or Authority but that of a Parliament could redreſs. Lawyers have opinions to ſell at any time, if they have the opinion of a forward and probable Dr, (tho' never ſo corrupt or corrupted to miſtake) or of the many to countenance them, tho' they have not the leaſt colour of reaſon to ſupport them. And

accord-

according to their Fee and Expectation they ſeem confident, muſt look aſſured, and tell you they have a very good Cauſe; this they can with ſome Face do, in caſe any Error or Miſtake hath prevailed to deceive many.

You your ſelves being firſt deceived, they take money, and are not bound to diſabuſe you; eſpecially when you are reſolved not to change your opinion, and act agreeably.

But if that Petition had been aſſiſted and promoted by your ſelves too, it might have prevailed; for the beſt of Kings do not refuſe the univerſal Deſires of the People, and the Nation had long ſince been diſcharged of all the Evils, that now diſquiet us.

But by your diſſent from it, it hath got the appearance of a Crime: And the Plotters have got this advantage upon us thereby, that His Majeſty is not like to have any Petitions againſt them, ſince they are declar'd ungrateful to His Majeſty, and he is become more inacceſſible. They have brought it about, that it is now accounted a fault to deſire a Parliament, that only can and will redreſs our Grievances. I will ſhortly ſhew you how contrary you are herein to the proviſion of our Law, and that you have herein deprived as much as in you lyes, your fellow Subjects of their rights in the Government. By the

Stat.

Stat. of 4 *Ed.* 3. C. 14. 36 *E.* 3. C. 10. It is provided that Parliaments be holden once every Year, which are confirmed by an Act of this King call'd the *Triennial* Act. In 25 *E.* 3. Statute of Proviſors are contained theſe Words. That the right of the Crown of *England*, and that the Law of the ſaid Realm is ſuch, that upon the miſchiefs and damages which happen to the Realm, the King ought and is bound by Oath with the accord of his People in his Parliament to make remedy, and Law, in removing the miſchiefs and damages which thereof enſu'd.

King *Ed.* 1. did appoint certain ſelect Perſons of the Clergy and Laity, to examine the wrongs done to his People by his Miniſters, in order to the redreſs thereof in the approaching Parliament. 17 *Ed.* 3. *Dors Memb.* 2. In the 15*th.* of *Ed.* 3. a Declaration was openly made in the Parliament, *que cheſcum* (ſaith the Rolls) *que ſe ſente grevez per le Rey ou ſes Miniſters ou autres que ils metroient lour petitions avants & ils averont bone & conenable* remedy *i. e.* That all People which found themſelves aggrieved in any matter, even by the King himſelf, his Officers or others ſhould bring forth their Petitions, and thereupon ſhould have good and convenient remedy to them ordein'd *Rot.* Parl. 15 *E.* 3. Numb. 5. the like was done by the very Writ of Summons of Parliament 21 *E.* 3. part 2. *Dors Memb.* 9. and in open Parliament 37 *Ed.* 3.

3. Rot. Parl. N. 2. The Divines, that have no care how to prevent the impendent Evils, will allow us at leaſt Prayers and Tears. Sure then, then they ought to give us leave to petition the Throne, and ſhed the Tears of Suppliants at the Foot-ſtool of His Majeſty. When they encourage men in their importunities to God Almighty, by remembring the Parable (that our Saviour uſed to that purpoſe) of the unjuſt Judge, that neither feared God nor reverenced man, and yet did right to the Widow at her importunity; ſure they do allow petitioning his Vicegerent. We cannot believe they pray in ſecret to God Almighty, unleſs they will petition His Majeſty openly for putting a ſtop to the incurſions of Popery upon us.

Our Enemies the *Papiſts* cannot inwardly condemn our Petitions as unlawful, tho' they are afraid of them; for that they may poſſibly obtain to prevent their Deſign.

A bloody Aſſaſſinate and Cut-throat is not made more cruel, by the wailings and paſſionate beſeechings of the innocent Man for his Life. Though they give the Villain ſome trouble, and make it more uneaſy to him to do the feat, by the regrets which he ſuffers from his Humanity, awakened by Pity, moving intreaties and expoſtulations.

But

But it is ſuſpected you are like to have little ſucceſs in your intentions, to deſtroy the Charter in Courſe of Law, to which you are perverſly acted by your diſpleaſure againſt the Diſſenters, and others whom you cauſleſly hate and unreaſonably oppoſe for their ſake.

And therefore you have proceeded by the way of fact, and have procured that the great Offices of the City are executed by Men not duly thereto choſen; for the bringing this about you have uſed ſuch bad arts, as would quite deſtroy your credit and ſhut you out of all Commerce, if they were practiſed in your private dealings in your Trades and Occupations. If you ſeriouſly reflect and conſider the methods that have been uſed for that purpoſe, and will allow the ſame Rule, which is obſerved by you in your private tranſactions and trade, for publick affairs and adminiſtration of publick rights (which are in their nature Sacred of a publick concern, the violation of them more hurtful, ſcandalous, and criminal) and in this, your Conſideration alſo will lay aſide your factious animoſities againſt the other party, to which you have furiouſly made your ſelves oppoſite; you will be herein ſelf condemn'd. I will not remember the particulars of fact they are freſh in your memory, and your own thoughts; (if any thing) muſt

make you wiſe and recover your underſtandings.

But by this Courſe you have Evacuated your Charter in fact, and have already Officers of a Forreign nomination.

You have given trouble and diſgrace to the Old Sheriffs, that were duly choſen to their Office, and acquitted themſelves faithful to the Rights of the Charter, not only depriv'd them of the reward that is due to a faithful and ſtrenuous diſcharge of ſo difficult an Office, but blame them and reproach them, and for their good deed ſake, go about to deprive the City of a free choice of ſuch Officers for the time to come. Who will be moſt gratifyed by theſe proceedings with little recollection you may eaſily conclude.

They haue already condemned the Charter and City, and have executed the Magiſtrates in Effigie upon the Stage, in a Play called the Duke of Guiſe, frequently acted and applauded; intended moſt certainly to provoke the rabble into tumults and diſorder. The Roman Prieſt had no ſucceſs (God be thanked) when he animated the People not to ſuffer theſe ſame Sheriffs to be carried through the City to the *Tower* Priſoners. Now the Poet hath undertaken for their being kicked three or four times a Week about

about the Stage to the Gallows, infamouſly rogued and raſcalled, to try what he can do toward making the Charter forfeitable by ſome extravagancy and diſorder of the People, which the Authority of the beſt governed Cities have not been able to prevent ſometimes under far leſs provocations.

But this ought not to move the Citizens, when he hath ſo malitiouſly and miſchievouſly repreſented the King, and the Kings Son, nay and his favorite the Duke too, to whom he gives the worſt ſtrokes of his unlucky fancy.

He puts the King under the perſon of *H. 3d.* of *France*, who appeared in the head of the *Pariſian* Maſſacre. The Kings Son under the perſon of the Duke of Guiſe, who concerted it with the Queen Mother of *France*, and was ſlain in that very place by the righteous judgment of God, where he and the Queen Mother had firſt contrived it.

The Duke of Guiſe ought to have repreſented a great Prince, that had inſerved to ſome moſt deteſtable Villany, to pleaſe the rage or luſt of a Tyrant.

Such great Courtiers have been often ſacrificed to appeaſe the furies of the Tyrants guilty

conſcience, to expiate for his Sin, and to attone the People.

Beſides that a Tyrant naturally ſtands in fear of Miniſters of mighty wickedneſs: he is always obnoxious to them, he is a ſlave to them, as long as they live they remember him of his guilt, and awe him: Theſe wicked Slaves become moſt imperious maſters. They drag him to greater evils for their own impunity, than they firſt perpetrated for his pleaſure and their own ambition.

But ſuch are beſt given up to publick Juſtice. But by no means to be aſſaſſinated. Untill this age, never before, was an aſſaſſination invited, commended and encouraged upon a publick Theatre.

It is no wonder, that Trimmers (ſo they call men of ſome moderation of that party) diſpleaſe them: For they ſeem to have Deſigns for which it behoves them to know their men, they muſt be perfectly wicked or perfectly deceived of the Catiline make, bold and without underſtanding, that can adhere to men that publiquely profeſs Murthers, and applaud the Deſign.

Caius Cæſar (to give unto *Cæſar* the things that are *Cæſars*) was in the Catiline Conſpiracy, and then the word was *he that is not with us is a-*

gainſt

gainſt us, for the inſtruments of wickedneſs muſt be men, that are reſolute and forward, and without conſideration; or they will deceive the deſign, and relent when they enterprize.

But when he was made Dictator and had ſome pretences, and a probability by means leſs wicked and miſchievous to arrive at the Government, his words was *he that is not againſt us is with us*. But to *Pompey* only it belonged, and to his cauſe or the like cauſe; to the Defenders of antient eſtabliſhed Governments, of the *Engliſh* Monarchy and Liberties, to ſay *they that are not with us are againſt us*, *in internecino bello* in attacks upon Government, *medii pro hoſtibus habentur* neutral men are Tray-tors, and aſſiſt by their indifferency to the Deſtruction of the Government. As many as applaud this play ought to be put under ſureties of the peace, and yet not one Warrant that we hear of yet granted by the Lord Chief Juſtice.

But it is not a Duke of Guiſe to be aſſaſſinated, a Turbulent, wicked and haughty Courtier. But an innocent and gentle Prince, as well as brave and renowned for noble Atchievements; A Prince that hath no fault, but that he is the Kings Son, and the beſt too of all his Sons; ſuch a Son as would have made the beſt of Emperors happy.

Except

Except it be that the People honor him and love him, and every where publiquely and lowdly ſhew it. But this they do, for that the beſt People of *England* have no other way left to ſhew their Loyalty to the King, and love to their Religion and Government, in long intervals of Parliament than by proſecuting his Son, for the ſake of the King and his own merit, with all the demonſtrations of the higheſt eſteem.

But he hath not uſed his Patron Duke much better, for he hath put him under a moſt diſmal and unfortuuate Character of a Succeſſor, excluded from the Crown by Act of State for his Religion, who fought his way to the Crown, chang'd his Religion, and dyed by the Hand of a *Roman* Aſſaſſinate.

It is enough to make his great Dukes courage quail, to find himſelf under ſuch an unlucky and diſaſtrous repreſentation, and thus perſonated. Beſides he hath offered a juſtification of an Act of Excluſion againſt a *Popiſh* Succeſſor in a Proteſtant Kingdom, by remembring what was done againſt the King of *Navar*.

The *Popiſh* Religion in *France* did *de facto* by Act of State exclude a Proteſtant Prince, who is under no obligation from his Religion, to deſtroy his *Popiſh* Subjects.

Though

Though a *Popiſh* Prince is to deſtroy his Proteſtant Subjects.

A *Popiſh* Prince to a Proteſtant Kingdom, without more muſt be the moſt inſufferable Tyrant, and exceed the Character that any ſtory can furniſh for that ſort of monſter. And yet all the while to himſelf a religious and an applauded Prince; diſcharged from the tortures that ordinarily tear and rend the hearts of the moſt cruel Princes, and make them as uneaſy to themſelves as they are to their Subjects, and ſometimes prevail ſo far as to lay ſome reſtraints upon their wicked minds.

But this his Patron will impute to his want of Judgment, for this Poets Hero's are commonly ſuch Monſters as *Theſeus* and *Hercules* are, renowned throughout all Ages for deſtroying,

But to excuſe him, this man hath forſaken his poſt, and entered upon an other province. To the Obſervator it belongs to confound truth and falſhood, and by his falſe colors and impoſtures to put out the Eyes of the People, and leave them without underſtanding.

But our Poet hath not ſo much art left him as to frame any thing agreeable, or *very-ſimilar*

to

to amuſe the People, or wherewith to deceive them.

His Province is to corrupt the manners of the Nation and lay waſt their morals, his underſtanding is clapt, and his brains are vitiated, and he is to rot the Age.

His endeavors are more happily applyed to extinguiſh the little remains of the virtue of the Age by bold impieties, and befooling Religion by impious and inept Rhimes; to confound virtue and vice, good and evil; and leave us without conſciences.

And thus we are prepared for deſtruction.

But to give the World a taſt of his Atheiſm and Impiety, I ſhall recite two of his Verſes, as recited upon the Stage *viz.*

For Conſcience, and Heavens fear, Religious rules
They are all State bells to toll in pious fools.

which I have done the rather, that ſome honeſt Judge or Juſtice may direct a proceſs againſt this bold impious man: or ſome honeſt Surrogate or Official may find leaſure to proceed *ex officio* againſt him, notwithſtanding at preſent, they are ſo incumbered with the Diſſenters.

Such

Such publick Blaſphemies againſt Religion, never went unpuniſhed in any Country or Age but this.

But I have made too long a digreſſion, but that it carries with it ſome inſtructions towards the preſerving of the honor of your *Auguſt* City. *viz.*

That you do not hereafter authorize the Stage to expoſe and revile your great Officers and Offices, by the indignities your ſelves do them; whilſt the *Papiſts* clap their hands and triumph at your publick diſgraces; and in the hopes they conceive thereby of the ruine of your Government, as if that were as ſure and certain to them, as it is to us without doubt that they once fired it.

And further, for that it was fit to ſet forth to the World of what Spirit our Enemies are, how they intend to attach us: As alſo how bold they are with His Majeſty, what falſe and diſhonorable repreſentations they make of him, and preſent to the World upon a publick Theatre; which I muſt confeſs hath moved me with ſome paſſion.

I have now ſome miſtakes to remove that I obſerve abuſe you, and make you think that it is in your power to deſtroy your Franchiſes. I come to defend your Charter againſt your reaſon and underſtanding; though againſt your will there is nothing can be ſaid if it be peremptory and obſtinate: But that it can have no ef-

 feſt

ſect in Law it will be criminal and puniſhable.

The miſtakes are theſe.

That the Excommunication of Diſſenters render them uncapable of ſuffrage and voice in the election of your Officers.

That by thruſting them from a right of Suffrage a Common Council may be had, that will diſpoſe of the Charter. And that the Common Council have authority to deſtroy it.

Which are both miſtakes. And I ſhall likewiſe make out to you, that the Sheriſalties of *London* and *Middleſex*, are in the City by courſe of Common Law, or by Statute Law, and are not of the nature of a voluntary grant from the Crown of a meer right, nor can they be conſidered as a property that is alienable, for if they were ſo, they might lawfully be regranted by thoſe in whom the right is.

So that they cannot be diſplac'd but by Act of Parliament, tho the conſent of every Citizen were thereunto had.

And firſt, that excommunicate Diſſenters have a right to chooſe City Officers notwithſtanding their excommunication is evident.

For that excommunication forfeits no private right. If a Plaintiff excommunicate ſues, his excommunication is pleaded in delay only and not in abatement of the writ. But outlawry pleaded abates the writ, and barrs the Action.

If

If a Mayor ſues in his incorporate capacity, a plea of excommunication is not allowable to ſtay proceedings, for that its a publick right that he pretends to, but excommunication of an Executor will ſtay the Suit, tho he ſues in another right; no excommunication is to be pleaded in delay of the proceſs in judicial writs, as in *Quare non admiſit*, or in a *ſcire facias* upon a judgment, becauſe the right is aſcertained by the judgment, and it is not militant as in an original action.

And tho it be allowed, that a perſon Excommunicate may be challenged if he be returned upon a Jury, which is ſaid in ſome of our old Books, as Sir *Edw. Cook* obſerves. *Littleton* fol. 158. a. yet that was in the time of the tyranny of the Papal Church, which was wont to doom to damnation, ſuch as were guilty of the leaſt contradiction againſt her order, as if perfectly wicked; or where the perſon challenged was Excommunicate by the greater Excommunication, which declared the perſon ſo Excommunicate perfectly wicked an Apoſtate from the Faith and Rule of the Chriſtian Religion, Such is not the preſent Excommunication of Diſſenters.

Yet there is a difference between refuſing to accept of a man to an Office, ſuch is the nature of the challenge of a Jury man, and between the excluding a man from his right and franchiſe in a matter, in which the Community alſo hath a right.

By what we have ſaid, it is clear that by Excommunication no right is forfeited, no publick right

is delayed no ſtated right is prejudiced. That the right of ſuffrage is the right of the perſon, and alſo the right of the Community. That at this day Sir *Edw. Cook* ſeems to think that Excommunication is no matter of challenge to a Jury man; and if it were it cannot preclude a right, tho it makes a man incompetent, or not ſo fit to be voluntary called forth and preferred to execute a charge. It is very clear therefore, that for Excommunication no man ought to be thruſt from his right of ſuffrage and the Franchiſe of a Citizen.

And well is it, that the Law is ſo or elſe there had remained a lurking miſchief behind in our Law as miſchievous almoſt, as the writ for burning of Hereticks lately abrogated, for

As ſoon as we can get a ſet of Popiſh Clergy, it is but interpreting the doctrine of the Church of *England*, as *Sancta Clara* hath done to the ſence of the Council of *Trent*, and thereby make the doctrine of the *Trent* Council the doctrine of the Church of *England*, and then every Proteſtant muſt immediatly incurr Excommunication. Now if thereby we ſhould looſe our franchiſes and the rights of Freemen, the Papiſts would have the Government, and we uſed as Slaves and Villains for ever; and by this ſlight without a Law or Parliament, on their ſide the Religion of the nation may be chang'd.

It is very extraordinary, that when this miſchief cannot happen to us by Law. We are making Preſidents againſt our ſelves, for the *Papiſts*

piſts their proceeding againſt us, in ſuch ſort as is now proceeded againſt the Diſſenters; for whom I am not making an apology, the Evils that we ſuſtain at preſent by their occaſion, will not give me leave to be ſo kind unto them. But let us not make hard reſolutions againſt our ſelves, when we know not how ſoon we our ſelves may fall into their caſe. Only this I have to ſay for them, you have no reaſon to be angry with them, for that they have not complyed with the *Popiſh* intereſt for obtaining indulgence, and exemption to themſelves from the penal Laws; much leſs have you reaſon to neglect the Defence of your Government and Religion, becauſe they adhere ſteadily to it. But if they had not ſo behaved themſelves, we ſhould not have wanted an honeſt man of ſence amongſt you, to have divided from the intereſt of the City, and its antient Rights.

Neither is it in the Power of a Common Council, whoever they be that are ſworn of that body, and however elected, inclined or diſpoſed, to derogate by any Act of theirs from any of the Cities Rights and Franchiſes. They are not the Body in whom the Rights and Franchiſes of the City are veſted. The ſtile of purchaſe is the Mayor and Commonalty of the City of *London*, and the moſt modern ſtile in uſe is the Mayor Commonalty and Citizens of the City of *London*.

Their beginning is of a much later date than the Citys Charters of Corporation, they were firſt

erected

erected and have receiv'd ſeveral alterations by conſtitutions made in the Common Hall. Their buſineſs and truſt is to manage and defend, govern and protect, as Committees, the Rights of the City, and make by Laws which are controulable notwithſtanding, and ſometimes have ſtood in need of confirmation by the Common Hall. And this conſidered they are put under an Oath to give good and true Counſel, touching the Common-weal of the City, and that for favor of any man they ſhall maintain no ſingular profit againſt the Common profit of the City.

They can do nothing validly in prejudice of the Citys Rights and Franchiſes: And if they have any conſcience of a limited truſt under an Oath to be obſerved and kept, they will not attempt it.

Perhaps the diſſolving of this great Corporation will be too adventurous an undertaking, for that it may be charged with the extinguiſhment of many excellent Laws for the advantage of Trade, for the better Government of the City, and the cuſtomary Proviſion for Wives and Children; upon which ſecurity & proviſion by their cuſtoms, marriages have been made wch will be thereby defeated. Beſides the number of Orphans that will be deſperately undone, there being no fund of ſtock left to pay them, as they are almoſt undone already by banckrupting the fund of City credit (which would everlaſtingly have made good payment to their Orphans) By the impending *Quo Warranto*. A very ſpreading and ſore calamity, and to be remembred with

with the Bankers caſe which put many thouſand Perſons well ſtated to ſtarving, and great Neceſſities without relenting.

They made a War without the adviſe of Parliament, they were unſuccesful as Sea, and made depredations at Land, by this great Numbers of the Kings ſubjects, ſuffered the worſt calamitys of War in time of our Land peace. It is better to be kill'd out-right than to live and ſtarve: They were uſed as in the State of War tho Subjects of the moſt equal Government in the World in its conſtitution. The Parliament is blam'd for diſcountenancing loans of money upon the Credit of the Crown, but theſe men prohibited and diſabled them. But our modern men to make all ſure, have again banckrupted the Credit of the great Seal; have taken away the planck, wch was allow'd to keep theſe poor wretches from ſinking after the wreck made by their Predeceſſors. They have vacated the great Seal, that made proviſion for their intereſt money without any fear or dread of that fate, that happend among their Predeceſſors, for in this too they govern us accordin g to Law.

The conſideratiou of theſe Evils (ſince they have ways at preſent to bring whom they pleaſe into the offices of authority and truſt in the City) will perſwade them perhaps to attempt no farther alteration in the Cities rights, then their diſmiſſing themſelves for ever of the right of chooſing Sherifs for the Counties of *London* and *Middleſex*. But this is ſo far from being done by any Authority in the Com-

Common Council, that it cannot be done by the unanimous aſſent of the Common Hall, nor by the conſent of every of the Citizens and Free men.

No more than a County can diſplace from its ſelf the Choice of a Coroner, which being placed there by the Common Law, nothing but an Act of Parliament can remove.

Which will plainly appear by the ſhort Hiſtory of Sheriffs, which I ſhall here ſubjoyn. The Sheriffs in the time of the *Saxons*, were chooſen by the Freeholders in the County Courts. The *Saxon* Laws were confirmed by the firſt *William*, as appears by the *Chronicon Leitchfeldenſe*, cited by Mr. *Lambert* in his *Archajonomia* page 158. But this Right of the Counties to chooſe their Sheriffs, was arbitrarily diſturbed by a plenitude of power in the confuſed and troubled times of *William Rufus H.* 1. King *Stephen*. But it appears by the Records of *H.* 3. time, ſome Counties ſtill retained their Antient rights, and chooſe their Sheriffs. By the 28 *Ed.* 1. The Counties were reſtored to or confirmed in Their Antient rights of chooſing Sheriffs, where the Shriefalties had not been before granted in Fee, which were granted by Encroachment of power *minus juſtè*, but by this Law ſuch grants were confirmed.

By the Statute of 9. *Ed.* 2. It was ordained, that the Sheriffs ſhould be aſſigned by the Chancellor, Treaſurer, Barons of the Exchequer, and the Juſtices. This Statute is interpreted not to extend to theſe Shrieffalties that were granted in Fee. But

ſuch

ſuch are intended excepted: As it hath been always underſtood, that particular rights are not extinguiſhed by general Laws. This is the Accompt of the Hiſtory of the Law of Shrieffalties in General.

To diſcend to the Sheriffs of *London*, *William* the Conqueror ſoon after this Confirmation of the Laws of *England*, (in Parliament by his Baronage, which then made the *Engliſh* Parliaments) whereby the Counties were confirmed in their Rights to chooſe their Sheriffs, grants by his Charter confirmed in Parliament *Civibus Londini totam dictam Civitatem & Vicecomitatum L. K.* Arch. *Lond.* fol. 120. That is, he grants that they ſhall continue a City and County, and the right of choſing Sheriffs ſhall continue to them. That which was their right before become by his Charter better eſtabliſhed. An antient prudence and caution of Subjects in tranſacting with their Kings, us'd more eſpecially by our Anceſtors (*viz*) to have their Right and Laws by way of Grant & Charter from the Crown; for thoſe Mighty Kings that will not be confin'd by Laws, yet have held themſelves bound by their Charters and Grants. Which made our Anceſtors put the Confirmation of their moſt precious Laws and Rights under that form, for their better Eſtabliſhment. And this Charter of King *William* was to the like purpoſe, that he ſhould not by his power break in upon the Rights of the County of the City of *London*, of making their Sheriffs or other the Rights of the City.

By this it appears, that the making Sheriffs belongs to the City by a Common Law right, by an Appointment of the Common Law, as to their particular never yet chang'd by any Statute Law, nor can this right therefore be altered or diſplac't, but by Act of Parliament.

The Sheriffalty of *Middleſex* was granted by *H.* 1. to the City upon this reaſon, the better to enable the City to

keep the Peace, for many Murders, Rapins and Villanies being committed on the City, the Offenders would thereupon fly into *Middlesex*, and the Citizens having no power of Juriſdiction in that County, the Offenders often eſcaped.

This Charter hath been confirmed amongſt other their Charters, by ſeveral Acts of Parliament. The conſequence whereof is, that the Sheriffalty of *Middlesex* is not to be diſplac't from the City, but by Act of Parliament, which is thus remonſtrated.

A grant made by the Crown (confirmed in Parliament) of any Eſtate, profit or emolument whatſoever, which can amount to no more than a creating or transferring a right, that right may certainly be ſurrendred or regranted to the Crown, or as the proprietor pleaſeth.

But the grant of an authority or power confirmed by Act of Parliament, that refers to adminiſtration of juſtice, a grant of ſuch a Nature as this is under ſuch an inducement, as is contained in the mentioned grant of the Sheriffs of *Middlesex* to the City of *London*, doth not only create a right but gives an authority, directs how a publick Office ſhall be adminiſtred, and is a Law for governing that matter, and conſequently makes a perpetuity of that office in the City, and it is not in the Power of the City to transfer or extinguiſh it, or innovate the Direction and Order of the Law therein ſo made and provided.

The Sheriffalty of *Middlesex* is become upon the matter appendant to the Sheriffalty of *London*, or to ſpeak more properly vnited.

The Sheriffs of *London* are always Sheriffs of *Middlesex*, and are not chooſen thereto by a diſtinct queſtion in the Common Hall.

But for that it is not generally underſtood how a Corporation or Society of men may diſcorporate and diſſolve themſelves,

ſelves, and leaſt an inconſiderable minority which ſhall pretend themſelves the Majority, and though but two hundred ſay they more than three thouſand, and take upon themſelves to diſſolve the Corporation of the City.

Tho their skill in Arithmetick is better than their Honeſty, I ſhall ſhortly diſcourſe how a Society of Men may be diſſolved

Agreater number cannot diſſolve a body politick, every man hath a Negative againſt a diſſolution of that Body whereof he is a member, tho he is to be concluded by the majority in any matter determinable, and governable by that Society. A Majority doth not determine a leſs number in the ſtate of nature, every mans particular conſent was neceſſary to make him a member of any ſociety, and ſo it is to unmember him. That a majority concludes the leſs number is by the agreement of all that enter into that ſociety, without which no ſociety can ſubſiſt. But whether they ſhall continue to be a ſociety or no is a queſtion, in which the members of that ſociety do admit themſelves at liberty, and act at that time as in the ſtate of nature, and therefore the Majority cannot bind the few in this Queſtion. and diſſolve the Society.

No man can be a member of any Society without his own conſent. But every Member of a Society gives his Faith *ipſo facto* by becoming ſo, to every one of that Society, to ſupport and maintain it.

No man can propound any queſtion without Leave, firſt had of the Society for diſſolving that Society, for to do it otherwiſe is to tranſgreſs againſt the Faith, that he owes to the Communalty.

When ſuch a Queſtion is with Leave of the Society propounded, a Majority cannot diſſolve that Society as to the Diſſenters, and theſe that are willing to continue it. But

ſuch Majority at the moſt (if that) have but a Leave to go out of that Society & diſmember themſelves, wch ſeems to be yielded them implicitly, in giving leave to put the Queſtion.

But if ſuch Queſtion be put without leave, firſt had of the Comunalty, the propounder deſerves a puniſhment to be inflicted upon him.

If the minority be big enough to maintain & ſupport the ends of the Corporation, the minority is ſtill the Corporation.

If any ſingle Perſon is unwilling the Society ſhould be diſſolved, and this Corporation is under the Government of any greater Society of Men, as a Corporation within a Polity, this ſingle perſon may require, and proſecute the revolters from the Society to abide in that Community.

Theſe ſocieties of men, that are form'd by the ſoveraign Authority cannot diſſolve or make the terms of their Society and the Order and Rule of governing them, other than is appointed by the Charter of Incorporation.

Nay it is a Queſtion whether a King can change it, who hath not the Power of making Laws.

For the terms of their Society, their Order and Rule of Government is the Condition of Incorporating, and upon theſe terms they conſent to be incorporated, no man by our Law is compellable to be incorporated againſt his own liking.

Roll. 1 Rep. Baggs Caſe.

And agreeable hereto changes in the Government of the City of *London*, from the firſt Charters have been made by Acts of Parliament. Acts of Parliament was made for the Diviſion of a Ward, and for altering the Election and Continuance of the Office of an Alderman for Liſe, whereas in the firſt Charters they were chooſen annually, and not to be chooſen the next Year; I ſhall here tranſcribe the Acts themſelves, which are not printed but ſupplied to me by

my

my worthy Friend Mr. *Petyt*, whoſe enquiry nothing, that is notable in our Records hath eſcaped.

The Commons in the Parliament 7. R. 2. prayed the King for the maintenance of peace and tranquility in the City of *London* for the time to come, by reaſon that all the Aldermen were chooſen from year to year at the Feaſt of St. *Gregory* the Pope, and none of them could be re-elected for the year enſuing, and others put in their places to the great endamagement of the City. The Commons therefore pray the King to grant to the Mayor, and Commons of the City and their Succeſſors in that preſent Parliament, that the Aldermen to be elected from year to year at the ſaid Feaſt *franchement Ezluz* be freely chooſen, and that of the moſt ſufficient perſons, and good fame, of thoſe who had been Aldermen, as others, *per le Gardes de la Citee* by the Wards of the City. Saving to the Wards their free Election in manner aforeſaid: To which the King anſwer'd *Le Roy le voet & Grante*, to endure ſo long as good Government ſhould be in the City, by reaſon of that clauſe. Rot. Parl. 7°. *R.* 2^di *Numb.* 24.

In the Parliament 17°. *R.* 2^di *Numb.* 25. It was ordained, that the Aldermen ſhould not be removed *Sanz* honeſt & reaſonable cauſes, without reaſonable Cauſe.

In the ſame Parliament *Numb.* 27. upon the Petition of the Mayor, Aldermen and Commons in the ſaid City, by reaſon of the greatneſs of the Ward of *Farringdon*, which was too great to be governed by one Alderman. The King grants that *les Gents de la dite Gard* of *Farringdon* within, might chooſe one Alderman, and thoſe of *Farringdon* without another, and that both thoſe Aldermen ſo chooſen ſhould not be removed *Si non per* cauſe reaſonable, as it was ordained by the King in Parliament to the Aldermen of the ſaid City.

But

But though the Government of ſuch Societies and Corporations may be changed by Law. Yet no Law can change the Government of Kingdoms and Common-wealths, and alter the terms of Government and Obedience eſtabliſhed: nothing can do this but chance, and time, violence, and an irreſiſtible Power.

But every Engliſh-man ought from the Nature of his Allegiance, to defend the *Engliſh* Monarchy with his Life under the Authority of the Government, and the protection of Laws.

To conclude, the beſt way to ſhew our Loyalty to the King is to think honorably of His Majeſty, to account his Perſon Sacred as it is, and himſelf impeccable, for ſo our Government hath made him by imputation, which is the higheſt Prerogative of the Crown, and a notable inſtance of the wiſdom of our Government.

Imperii Majeſtas Tutelæ Salus.

We heartily bewail the unhappy death of the late King. But deteſt that it ſhould be made a pretenſe to change our Government. They are very bad men that raiſe on the one ſide in the People a πεφοβία or King-dread, and on the otherſide in the King a δημοφοβία or People dread from his deplorable death.

Such paſſions indeed reſpectively poſſeſs the People, and Succeſſors of Tyrants, and work the woe of the People or the abolition of the Kingly Government: But moſt unnatural theſe confounding apprehenſions are, from the death of a good King bitterly bewail'd by almoſt all of his ſubjection.

It is too unreaſonable, that we ſhould offer up our antient Government,

Government, our pretious liberties, our Religion it ſelf (in the defence of which he dyed) to attone for the guilt of an inconſiderable p..rt of the Nation, that was engaged in that deteſtable fact, and are ſince gone to their proper place. This is hard that we muſt looſe our Government and have no more Engliſh Kings, to expiate for their guilt.

We do not ſhew our Loyalty, but diſcover an ignominious baſeneſs, if we yeeld up our rights at the perſwaſion of a Courtier, who tells us it is for the Kings Service: when he is thereby promoting his own advantages and projects, and ſhifting for indeminity upon the ruin of the Government. Plutarch in his treatiſe *περι δυσωπιας*, i.e. baſe ſneaking ſays that the *Aſiaticks* became ſlaves, becauſe they could not pronounce the word *NO*, and gave denyal to Sycohants and flatterers.

If theſe Courtiers, really and honeſtly thought it were for His Majeſties Service, that all Authorities and Dignities in the Government ſhould be held precaciouſly of the Crown, they ought to hold their honors and ſeſſion in Parliament by the ſame tenure, for that thoſe that ſhall inherit to them may be wiſer than themſelves, for this there way is their folly, and their poſterities (I hope) will not approve their doings.

When our Preachers exhort to obedience, they ought not to be heard if they preſs us beyond the terms of obedience, that the Government hath eſtabliſhed. And we may dutifully inſiſt (notwithſtanding) to have the benefit of ſuch Laws, that the power of the Government can make to preſerve us in the peaceable enjoyment of our Religion, when we have a Proteſtant King.

When they exhort us to Chriſtian patience, they ſhould not forget to tell the People, that they are not bound to ſuffer, but where the Chriſtian virtue of Fortitude is perfected,

fected, and not elſe but as Chriſtian charity doth direct. But they ought not by any means to abuſe the People, with a vain amuzement, that a Popiſh Succeſſor will protect the Church of *England*.

I ſhall end with the words of King *Solomon*, Proverbs 24. *My Son fear thou the Lord, and the King, and meddle not with them that are given to change, for their Calamity ſhall ariſe ſuddenly, and who knoweth the Ruine of them both? It is not good to have reſpect of Perſons in Judgment. He that ſaith unto the wicked thou art righteous, him ſhall the People curſe, Nations ſhall abhor him. But to them that rebuke him ſhall be delight, and a good Bleſſing ſhall come upon them. If thou faint in the day of adverſity, thy ſtrength is ſmall. If thou forbear to deliver them that are drawn unto death, and thoſe that are ready to be ſlain: If thou ſaiſt behold we knew it not; doth not he that pondereth the Heart conſider it? and he that keepeth thy Soul, doth not he know it, and ſhall not he render to every Man according to his works.*

ERRATA.

Pag. 2. L. 23. *r* the negligence of. page number the twelfth is miſplac'd after page the thirteenth, and muſt be read before it. pag. 7. *r* obliquandi *for* obliquendi pag. 12. lin. *ult. for* which *r* what. pag. 13. L. 19. *for* help *r* help'd. pag. 19. L. 26. *dele* all. pag. 36. *r.* By-laws. p. 38. *l.* 21. *r.* their.

FINIS.